

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEN WALTERS and JOHN BONILLA, in their  
respective capacities as Trustees of the OPERATING  
ENGINEERS HEALTH AND WELFARE TRUST FUND  
FOR NORTHERN CALIFORNIA, TRUSTEES OF THE  
PENSION TRUST FUND FOR OPERATING  
ENGINEERS, TRUSTEES OF THE PENSIONED  
OPERATING ENGINEERS HEALTH AND WELFARE  
FUND, TRUSTEES OF THE OPERATING ENGINEERS  
AND PARTICIPATING EMPLOYERS  
PRE-APPRENTICESHIP, APPRENTICE AND  
JOURNEYMEN AFFIRMATIVE ACTION TRAINING  
FUND, TRUSTEES OF THE OPERATING ENGINEERS  
VACATION AND HOLIDAY PLAN,

Plaintiffs,

v.

GOLDEN GATE CRANE & RIGGING, INC., A  
California Corporation,

Defendants.

No. C 06-05396 WHA

**REMINDER NOTICE  
OF UPCOMING TRIAL  
AND FINAL  
PRETRIAL  
CONFERENCE**

This notice serves as a friendly reminder that this case remains set for a **FINAL PRETRIAL CONFERENCE** on **JANUARY 7, 2008**, at **2:00 P.M.**, with a **JURY TRIAL** on **JANUARY 14, 2008**. Please consult the existing case management order and review and follow all standing guidelines and orders of the undersigned for civil cases on the Court's website at <http://www.cand.uscourts.gov>. Continuances will rarely be granted.

The final pretrial conference will be an important event, for it will be there that the shape of the upcoming trial will be determined, including *in limine* orders, time limits and exhibit mechanics. Lead trial counsel must attend.

1 To avoid any misunderstanding with respect to the final pretrial conference and trial, the  
2 Court wishes to emphasize that all filings and appearances must be made — on pain of  
3 dismissal, default or other sanction — unless and until a dismissal fully resolving the case is  
4 received. It will not be enough to inform the clerk that a settlement in principle has been  
5 reached or to lodge a partially executed settlement agreement or to lodge a fully executed  
6 agreement (or dismissal) that resolves less than the entire case. Where, however, a  
7 fully-executed and unconditional settlement agreement clearly and fully disposing of the entire  
8 case is lodged reasonably in advance of the pretrial conference or trial and only a ministerial act  
9 remains, the Court will arrange a telephone conference to work out an alternate procedure  
10 pending a formal dismissal.

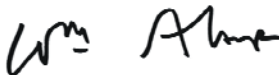
11 In order to evaluate whether the Court can be of further ADR assistance, please file a  
12 joint report within fourteen days of service of this order describing the progress and status of  
13 your ADR efforts to date and any further ADR recommendations by the parties.

14 In this case, the Court wishes to consider the following additional trial procedures and  
15 desires that counsel meet and confer and reach a stipulation concerning whether and how to use  
16 them:

- 17 1. Scheduling opposing experts so as to appear in successive order;
- 18 2. Giving preliminary instructions on the law;
- 19 3. Allowing limited pre-closing deliberations (as per, *e.g.*, Rule 39 of  
20 the Arizona Rules of Civil Procedure); and
- 21 4. Allowing each side fifteen minutes of opening/argument time to be  
22 used during the evidence time (in addition to normal opening statement and  
23 closing argument).

24 Please present the results of your stipulation (or not) in the joint pretrial conference  
25 submissions.

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27 Dated: November 5, 2007.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE